

REMARKS

Applicant and the undersigned would like to extend their thanks for the courtesy of the Examiner in granting a personal interview on August 8, 2006, at which the invention was discussed and an operating device embodying the invention was demonstrated. Although no pending claims were discussed at that interview, Applicant did discuss with the Examiner the general nature of eye safety in the context of a laser device, where International Standard IEC 60825.1 has been developed to calculate the Maximum Permissible Exposure (MPE) the human eye can sustain before risk of retinal injury occurs. Under that standard, Class 4 lasers pose the highest risk of retinal injury and require warning labels. Use of special protective goggles is essential for Class 4 lasers. At the opposite end of the scale, Class 1 lasers pose no risk of retinal injury and require no warning labels or protective goggles.

Applicant discussed with the Examiner a report, prepared by the independent French testing agency CETA, which confirmed that the device demonstrated to the Examiner is in fact a Class 1 laser device. Therefore, the device is believed to be the first such device which is: (1) eye safe as that term is defined under the international standard, usually referred to as International Standard IEC 60825.1, "Safety of Laser products – Part 1: Equipment classification, requirements and user's guide", Edition 1.2, August 2001 (see page 47 of applicant's Specification), including being eye safe for the patient, as

well as all bystanders, operators, etc.; and (2) is effective for performing a dermatologic treatment such as hair removal (or hair-regrowth-inhibition).

Applicant and the undersigned would further like to thank the Examiner for his courtesy during a second interview on August 23, 2006, during which the claims above set forth were discussed, and agreement was tentatively reached. This new set of claims has been presented for the sake of clarity, and it is believed that each of these newly-presented claims properly encompasses the legitimate scope of the invention and defines over the art, and is also within the elected species and subspecies.

Following the interview, the Examiner provided to the undersigned a copy of U.S. Patent Application Publication No. 2004/0036975 to Michael Slatkine ("Slatkine"). This Slatkine reference teaches an add-on device to the type of laser typically used under doctors' supervision. Slatkine's Abstract, Field of the Invention and claim 36, the only relevant independent apparatus claim (cf. claim 82 for a skin cooling apparatus) all recite that Slatkine's invention is intended to improve bodily and eye safety to bystanders. The method claims in Slatkine have similar language. At column 1, paragraph 0003, Slatkine defines 'bystanders' as someone 'unaware that a laser beam is being fired'. Thus, Slatkine's bystander is neither the user of the device nor a patient, if the patient is someone other than the user. As a result, it is believed that Slatkine is irrelevant to the very specific definition of 'eye safe' required by applicant's claims. The definition of 'eye safe' required by applicant's claims is set forth at page 53 of the International Standard IEC 60825.1, "Safety of Laser products – Part 1:

Equipment classification, requirements and user's guide", Edition 1.2, August 2001, which is attached hereto for the convenience of the Examiner.

In view of the foregoing, it is not believed necessary to go through the many scientifically incorrect or misleading statements made in Slatkine.

It is also appropriate to point out that applicant's invention is self-contained, even though applicant's claims require more fluence than any reference to a self-contained unit of which applicant is aware, nor is there any teaching or suggestion in Slatkine or any other reference of which applicant is aware of how to achieve such high fluences in a self-contained, eye safe device as required by the claims.

As such, it is believed that each of the pending claims is in condition for allowance, and early notification to that effect is earnestly solicited. In the event that any issue remains which the Examiner believes could be facilitated by a telephone call, he is invited to telephone the undersigned at 650-326-4350, or on his cell phone at 650-269-5025. The cell phone is preferred, to minimize phone tag.

Respectfully submitted,



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INTERNATIONAL STANDARD

IEC
60825-1

Edition 1.2

2001-08

Edition 1:1993 consolidated with amendments 1:1997 and 2:2001

GROUP SAFETY PUBLICATION

Safety of laser products –

Part 1:
Equipment classification, requirements
and user's guide

Sécurité des appareils à laser –

Partie 1:
Classification des matériels, prescriptions
et guide de l'utilisateur



Reference number
IEC 60825-1:1993+A1:1997+A2:2001

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60825-1 © IEC:1983+A1:1997
+A2:2001(E)

$C_3 = 1$
400-450 nm
(P. 407)

- 53 -

Table 6 - Maximum permissible exposure (MPE) at the cornea for direct exposure to laser radiation a, b, c

Exposure time t in s	Wave-length λ in nm	10 ⁻¹² to 10 ⁻¹¹	10 ⁻⁹ to 10 ⁻⁷	10 ⁻⁷ to 10 ⁻⁶	10 ⁻⁶ to 10 ⁻⁵	10 ⁻⁵ to 10 ⁻⁴	10 ⁻³ to 10 ⁻²	10 ⁻² to 10 ⁻¹	10 ⁰ to 10 ¹	10 ¹ to 10 ²	10 ² to 10 ³	10 ³ to 10 ⁴	10 ⁴ to 3 x 10 ⁴
180 to 302.5		$3 \times 10^{10} \text{ W} \cdot \text{m}^{-2}$											
302.5 to 315		$3 \times 10^{10} \text{ W} \cdot \text{m}^{-2}$											
315 to 400		$3 \times 10^{10} \text{ W} \cdot \text{m}^{-2}$											
400 to 700		$3 \times 10^{10} \text{ W} \cdot \text{m}^{-2}$											
700 to 1050		$3 \times 10^{10} \text{ W} \cdot \text{m}^{-2}$											
1050 to 1400		$3 \times 10^{10} \text{ W} \cdot \text{m}^{-2}$											
1400 to 1500		$3 \times 10^{10} \text{ W} \cdot \text{m}^{-2}$											
1500 to 1800		$3 \times 10^{10} \text{ W} \cdot \text{m}^{-2}$											
1800 to 2600		$3 \times 10^{10} \text{ W} \cdot \text{m}^{-2}$											
2600 to 10 ⁶		$3 \times 10^{10} \text{ W} \cdot \text{m}^{-2}$											
a For correction factors and units, see "Notes to tables 1 to 4". P. 40													
b The MPEs for exposure times below 10 ⁻⁹ s and for wavelengths less than 400 nm have been derived by calculating the equivalent irradiance from the radiant exposure limits at 10 ⁻⁹ s. The MPEs for exposure times below 10 ⁻¹³ s are set to be equal to the equivalent irradiance values of the MPEs at 10 ⁻¹³ s.													
c The angle θ_p is the limiting angle of acceptance for the measuring instrument.													
d In the wavelength range between 400 nm and 600 nm, dual limits apply and the exposure must not exceed either limit applicable. Normally photochemical hazard limits only apply for exposure durations greater than 10 s; however, for wavelengths between 400 nm and 484 nm and for apparent source sizes between 1.5 mrad and 82 mrad, the dual photochemical hazard limit of 100 C ₃ J·m ⁻² shall be applied for exposures greater than or equal to 1 s.													